IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WA.No. 1969 of 2007()

AGAINST THE JUDGEMENT IN WPC.1768/2007 Dated 06/07/2007
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APPELLANT: PETITIONER

SALIM BABU P.K.,
SUB DIVISIONAL ENGINEER (OPERATIONS),
O/O THE GENERAL MANAGER TELECOM DISTRICT,
ALAPPUZHA, BHARAT SANCHAR NIGAM LIMITED,
RESIDING AT KANJIRATHIL, CHERAVALLY, KAYAMKULAM.

BY ADV. SRI.R.JAYACHANDRAN

RESPONDENTS: RESPONDENTS
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1. THE CHIEF GENERAL MANAGER,
BHARATH SANCHAR NIGAM LIMITED,
THIRUVANANTHAPURAM.

2. SRI.HARIDASAN M, GENERAL MANAGER,
BHARATH SANCHAR NIGAM LIMITED,
TELECOM DISTRICT, ALAPPUZHA.

3. THE ASSISTANT GENERAL MANAGER
(OPERATIONS), BHARATH SANCHAR NIGAM LIMITED,
ALAPPUZHA.

4. UNION OF INDIA, REPRESENTED BY THE
SECRETARY TO DEPARTMENT OF TELECOMMUNICATIONS,
NEW DELHI.

BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL, SC,BSNL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & V.K.MOHANAN, JJ

W.A. 1969/2007

Dated this the 10th day of August, 2007

JUDGMENT

Radhakrishnan, J

Perused the judgment of the learned Single Judge and the counter affidavit filed by the respondents. It is stated in the affidavit that as per Paragraph 152 of P&T Volume-III, "No employee of the Department is authorized to leave his station of posting without the specific permission of his immediate superior". Since some Executives were violating this instruction, in consideration of interest of service and administrative requirements, General Manager, Telecom District, Alappuzha issued an order directing all Executives to stay within the head-quarters, and to obtain permission from the competent authorities.

Petitioner has now been transferred to Alappuzha from Kayamkulam. He moved for permission from the department to reside outside the headquarters. But his application was rejected. In the counter affidavit it is stated that permission has been granted to stay outside

the headquarters to other Executives, considering their individual representations and that too on a temporary basis. But the petitioner is staying outside the headquarters without any permission for the last two years.

This Court sitting in this jurisdiction is not justified in interfering with the discretion exercised by the authorities. This writ appeal lacks merit and the same is dismissed.

K.S.RADHAKRISHNAN
Judge

V.K.MOHANAN
Judge

mrcs